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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2011-747*

13 **ANNEMARIE CLIFF, a.k.a. ANNE**
14 **MARIE CLIFF, a.k.a. ANNEMARIE**
15 **LUCCHESI**
16 **101 NW 46th Street**
17 **Ft. Lauderdale, FL 33309**
18 **Registered Nurse License No. 562878**

A C C U S A T I O N

Respondent.

19 Complainant alleges:

PARTIES

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about January 24, 2000, the Board of Registered Nursing issued Registered
24 Nurse License Number 562878 to Annemarie Cliff, also known as Anne Marie Cliff, also known
25 as Annemarie Lucchese (Respondent). The Registered Nurse License was in full force and effect
26 at all times relevant to the charges brought in this Accusation and will expire on June 30, 2011,
27 unless renewed.
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2 JURISDICTION

3 3. This Accusation is brought before the Board of Registered Nursing (Board),
4 Department of Consumer Affairs, under the authority of the following laws. All section
5 references are to the Business and Professions Code unless otherwise indicated.

6 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
7 that the Board may discipline any licensee, including a licensee holding a temporary or an
8 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
9 Nursing Practice Act.

10 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
11 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
12 licensee or to render a decision imposing discipline on the license. Under section 2811,
13 subdivision (b), of the Code, the Board may renew an expired license at any time within eight
14 years after the expiration.

15 6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the
16 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
17 action during the period within which the license may be renewed, restored, reissued or
18 reinstated.

19 STATUTORY PROVISIONS

20 7. Section 2761 of the Code states:

21 "The board may take disciplinary action against a certified or licensed nurse or deny an
22 application for a certificate or license for any of the following:

23 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

24 ...

25 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
26 against a health care professional license or certificate by another state or territory of the United
27 States, by any other government agency, or by another California health care professional
28

1 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
2 action.”

3 DRUGS

4 8. Cocaine is a dangerous drug as defined by section 4022 of the Code and a schedule II
5 controlled substance and narcotic as defined by section 11055, subdivision (b)(6), of the Health
6 and Safety Code. It is a highly addictive recreational drug.

7 COST RECOVERY

8 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licentiate found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case.

12 CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Out of State Discipline)
13 (Bus. & Prof. Code § 2761, subd. (a)(4))

14 10. Respondent has subjected her registered nurse license to disciplinary action under
15 Code section 2761, subdivision (a)(4), in that on or about June 14, 2005, in a disciplinary action
16 before the State of Florida Board of Nursing (Florida Board), Case Number 2002-01661, the
17 Florida Board entered a Final Order approving and adopting the Stipulation between Respondent
18 and the Florida Board. The Stipulation reprimanded Respondent’s Florida nursing license,
19 ordered her to pay administrative costs, and required Respondent to continue her participation in
20 the Intervention Project of Nurses (IPN), including compliance with the monitoring directives of
21 the IPN and the terms and conditions of the IPN advocacy contract.

22 11. The underlying conduct supporting the Florida Board’s disciplinary action is that on
23 or about November 29, 2001, Respondent tested positive for Cocaine metabolites on a pre-
24 employment drug screen for American Traveler’s Staffing Professionals. Respondent did not
25 have a prescription or a legitimate medical reason for using Cocaine metabolites.
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PRAYER


WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 562878, issued to Annemarie Cliff, also known as Anne Marie Cliff, also known as Annemarie Lucchese;

2. Ordering Annemarie Cliff, also known as Anne Marie Cliff, also known as Annemarie Lucchese to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: March 4, 2011


for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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